

Submission by
Metro Broadcast Corporation Limited
to the Bills Committee
on Communications Authority Bill

Metro Broadcast Corporation Limited (Metro Broadcast) welcomes the opportunity to put forward its views concerning the Communications Authority Bill (the Bill).

Metro Broadcast wishes to express its view on the composition of the governing board of the Communications Authority (CA). The set up of the CA is to oversee matters of broadcasting and telecommunications and facilitate development of the industries in Hong Kong. The input of industry stakeholders therefore should be thoroughly considered side by side with public opinions and Government proposition. In this connection, Metro Broadcast is of the view that members of the governing board of the CA should have adequate understanding and knowledge on both of the broadcasting and telecommunications industries and that the expertise of the two existing regulatory bodies, namely the Broadcasting Authority (BA) and Telecommunications Authority (TA) should be maintained. In addition, Metro Broadcast would like to propose the establishment of panels of consultative bodies consist of industry veterans to support the CA board on selected industry matters.

Metro Broadcast is also of the view that handling of public complaints against TV and radio programmes and advertisements should continue to be vested in the CA as per the prevailing arrangement among the Broadcasting Authority and licensees. We

advocate the public opinion¹ that the regulator is the most preferred avenue for dealing with broadcasting complaints, on the fact that the regulator is recognised as a more effective, fair, independent and reliable channel for the audience to raise their concerns over any broadcasting materials on TV and radio. The CA should continue to execute such function currently being carried out by the BA in respect of complaint handling, that is: 1) accepts public complaints lodged with the regulator in the first instance and 2) if there is reasonable cause to suspect a breach of the licence condition or industry codes of practice after initial investigation, refers such cases to the licensees for further investigation and due report of the investigation findings. The aforesaid complaint handling procedures are appropriate industry practice widely recognised as effective by existing broadcasting licensees.

Metro Broadcast would like to raise its concern over Section 17 of the CA Bill about delegation of functions vested with the CA. We believe that there should be solid guidelines and safeguards to prevent over-delegation of functions. One example will be for the Director-General of Communications to only prepare proposals of determination and leave any decision making with the CA board.

As a final note, Metro Broadcast notices that the restrictions on confidentiality stipulated in Section 21 of the CA Bill are extremely lax. In view of the enhanced public concern regarding privacy and disclosure of confidential information, Metro Broadcast urges the Government to ensure sufficient safeguards are put in place of the Bill along the same strict requirements set out in other legislation in Hong Kong and in the overseas.

¹ Source: Broadcasting Services Survey 2007 commissioned by the Broadcasting Authority.

Metro Broadcast does not have any particular comments other than the abovementioned in respect of the Bill and we appreciate consideration of our views by parties concerned in reviewing the Bill.

METRO BROADCAST

27 September 2010